

## § 570.1

- 570.59 Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8).
- 570.60 Occupations in connection with mining, other than coal (Order 9).
- 570.61 Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing, or rendering (Order 10).
- 570.62 Occupations involved in the operation of bakery machines (Order 11).
- 570.63 Occupations involved in the operation of paper-products machines, scrap paper balers, and paper box compactors (Order 12).
- 570.64 Occupations involved in the manufacture of brick, tile, and kindred products (Order 13).
- 570.65 Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14).
- 570.66 Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15).
- 570.67 Occupations in roofing operations and on or about a roof (Order 16).
- 570.68 Occupations in excavation operations (Order 17).

### Subpart E—Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

- 570.70 Purpose and scope.
- 570.71 Occupations involved in agriculture.
- 570.72 Exemptions.

### Subpart F [Reserved]

### Subpart G—General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended

#### GENERAL

- 570.101 Introductory statement.
- 570.102 General scope of statutory provisions.
- 570.103 Comparison with wage and hour provisions.

#### COVERAGE OF SECTION 12(a)

- 570.104 General.
- 570.105 “Producer, manufacturer, or dealer”.
- 570.106 “Ship or deliver for shipment in commerce”.
- 570.107 “Goods”.
- 570.108 “Produced”.
- 570.109 “Establishment situated in the United States”.
- 570.110 “In or about”.
- 570.111 Removal “within 30 days”.

## 29 CFR Ch. V (7–1–05 Edition)

#### COVERAGE OF SECTION 12(c)

- 570.112 General.
- 570.113 Employment “in commerce or in the production of goods for commerce”.

#### JOINT AND SEPARATE APPLICABILITY OF SECTIONS 12(a) AND 12(c)

- 570.114 General.
- 570.115 Joint applicability.
- 570.116 Separate applicability.

#### OPPRESSIVE CHILD LABOR

- 570.117 General.
- 570.118 Sixteen-year minimum.
- 570.119 Fourteen-year minimum.
- 570.120 Eighteen-year minimum.
- 570.121 Age certificates.

#### EXEMPTIONS

- 570.122 General.
- 570.123 Agriculture.
- 570.124 Delivery of newspapers.
- 570.125 Actors and performers.
- 570.126 Parental exemption.

#### ENFORCEMENT

- 570.127 General.
- 570.128 Good faith defense.
- 570.129 Relation to other laws.

SOURCE: 16 FR 7008, July 20, 1951, unless otherwise noted. Redesignated at 28 FR 1634, Feb. 21, 1963, and further redesignated and amended at 36 FR 25156, Dec. 29, 1971.

### Subpart A—General

AUTHORITY: Secs. 3, 11, 12, 52 Stat. 1060, as amended, 1066, as amended, 1067, as amended; 29 U.S.C. 203, 211, 212.

SOURCE: 41 FR 26834, June 29, 1976, unless otherwise noted.

#### § 570.1 Definitions.

As used in this part:

- (a) *Act* means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201–219).
- (b) *Oppressive child labor* means employment of a minor in an occupation for which he does not meet the minimum age standards of the Act, as set forth in § 570.2 of this subpart.
- (c) *Oppressive child labor age* means an age below the minimum age established under the Act for the occupation in which a minor is employed or in which his employment is contemplated.
- (d) A *certificate of age* means a certificate as provided in § 570.5(b) (1) or (2) of this part.

## Wage and Hour Division, Labor

## § 570.5

(e) [Reserved]

(f) *Secretary*'' or *Secretary of Labor* means the Secretary of Labor, United States Department of Labor, or his authorized representative.

(g) *Wage and Hour Division* means the Wage and Hour Division, Employment Standards Administration, United States Department of Labor.

(h) *Administrator* means the Administrator of the Wage and Hour Division or his authorized representative.

(i) *State agency* means any officer, executive department, board, bureau or commission of a State or any division or unit thereof authorized to take action with respect to the application of laws relating to minors.

### § 570.2 Minimum age standards.

(a) *All occupations except in agriculture.* (1) The Act, in section 3(1), sets a general 16-year minimum age which applies to all employment subject to its child labor provisions in any occupation other than in agriculture, with the following exceptions:

(i) The Act authorizes the Secretary of Labor to provide by regulation or by order that the employment of employees between the ages of 14 and 16 years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor, if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being (see subpart C of this part); and

(ii) The Act sets an 18-year minimum age with respect to employment in any occupation found and declared by the Secretary of Labor to be particularly hazardous for the employment of minors of such age or detrimental to their health or well-being (see subpart E of this part).

(2) The Act exempts from its minimum age requirements the employment by a parent of his own child, or by a person standing in place of a parent of a child in his custody, except in occupations to which the 18-year age minimum applies and in manufacturing and mining occupations.

(b) *Occupations in agriculture.* The Act sets a 16-year age minimum for em-

ployment in agriculture during school hours for the school district in which the employed minor is living at the time, and also for employment in any occupation in agriculture that the Secretary of Labor finds and declares to be particularly hazardous except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person (see Subpart E-1 of this part). There is a minimum age requirement of 14 years generally for employment in agriculture outside school hours for the school district where such employee is living while so employed. However, (1) a minor 12 or 13 years of age may be so employed with written consent of his parent or person standing in place of his parent, or may work on a farm where such parent or person is also employed, and (2) a minor under 12 years of age may be employed by his parent or by a person standing in place of his parent on a farm owned or operated by such parent or person, or may be employed with consent of such parent or person on a farm where all employees are exempt from the minimum wage provisions by virtue of section 13(a) (6) (A) of the Act.

### Subpart B—Certificates of Age

AUTHORITY: 29 U.S.C. 203(1), 211, 212.

SOURCE: 41 FR 26835, June 29, 1976, unless otherwise noted.

### § 570.5 Certificates of age and their effect.

(a) To protect an employer from unwitting violation of the minimum age standards under the Act, section 3(1) of the Act provides that "oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Secretary of Labor certifying that such person is above the oppressive child-labor age." The provisions of this subpart provide for age certificates based on the best available documentary evidence of age. Certificates issued and effective pursuant to this subpart furnish an employer with proof of the age of a